

Art Unit: 2614

### DETAILED ACTION

1. The Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit **2614**.

2. This communication is responsive to the applicant's response/amendment filed on 12/18/2008.

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least one magnet *in* the horizontal section as claimed in claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must

Art Unit: 2614

be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Abe, Japanese Publication No JP 02248121A, published on 10/3/1990 (hereby Abe).**

6. As to claim 17, Abe teaches a charging station (Fig. 1, element 1) for a wireless headphone (Fig. 2, element 2) having a headphone band (31) and electrical charging contacts (51A, 51B) in the headphone band, said charging station comprising: a housing (11); and bars (16A, 16B) projecting out of the housing, wherein the bars comprise a first and second end, wherein the first end is coupled to the housing and the second end comprises a rigid and substantially horizontal section for receiving the headband of the headphone (The ends of the

Art Unit: 2614

bars 16A, 16B in Fig. 1 are flat on a horizontal plane), wherein the horizontal section comprises electrical contacts for electrically contacting the electrical charging contacts in the headphone band. (The bars conduct current from the power supply to charge the headphones via contacts 51A, 51B; Abstract).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, Japanese Publication No JP 02248121A, published on 10/3/1990, (hereby Abe) in view of Mathauser, U.S. Patent No. 3,786,391, published on 1/15/1974, (hereby Mathauser).**

9. As to claim 15, Abe teaches a wireless headphone system (Figs. 1 and 2) comprising: wireless headphone (2) having a headphone band (31), electrical charging contacts in the headphone band (51A, 51B), and a charging station (1) for the wireless headphone having a housing (11) and at least two bars (16A, 16B) projecting out of the housing, wherein the bars comprise a first and second end, wherein the first end is coupled to the housing and wherein the second end comprises a rigid and substantially horizontal section for receiving the headband

Art Unit: 2614

of the wireless headphone (The ends of the bars 16A, 16B in Fig. 1 are flat on a horizontal plane), wherein the bars serve as an electrical feed line, and wherein the horizontal section comprises electrical contacts for electrically contacting the electrical charging contacts in the headphone band (The bars conduct current from the power supply to charge the headphones via contacts 51A, 51B;

Abstract).

It is noted that Abe does not explicitly teach at least one magnet in the headphone band, wherein the magnet and the electrical charging contact are associated with each other for charge contacting. However, the use of magnets to secure an electrical connection is well known in the art. Mathauser teaches at least one magnet (Mathauser: Fig. 1, element 8), wherein the magnet and the electrical charging contact (10) are associated with each other for charge contacting. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate a magnet in the headphones taught by Abe, to secure the connection and provide ease of alignment (Col. 1, lines 61-64).

### ***Allowable Subject Matter***

10. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The unique feature of a magnet in the horizontal section is not taught or suggested by the

Art Unit: 2614

prior art. The closest prior art, Mathauser, allows for a magnet adjacent to the electrical contact, but not in the contact.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 15-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record

- a. Japanese Publication Number **JP 02248121A**
- b. US Patent Number **3,786,391**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

Art Unit: 2614

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan C. Robinson whose telephone number is (571) 270-3956. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Robinson

/Suhan Ni/

Primary Examiner, Art Unit 2614

